

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4819 of 2023

Arising Out of PS. Case No.-390 Year-2023 Thana- MANER District- Patna

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1. Raj Kumar S/O Sri Trilok Verma @ Trilok Prasad Village- Madhopur, Ps. Maner, Dist. Patna
 2. Raghuwar Kumar @ Rajesh Kumar S/O Sri Trilok Verma @ Trilok Prasad Village- Madhopur, Ps. Maner, Dist. Patna
 3. Sanjeev Kumar S/O Late Virendra Prasad Village- Madhopur, Ps. Maner, Dist. Patna
 4. Trilok Verma @ Trilok Prasad S/O Late Baliram Mahto Village- Madhopur, Ps. Maner, Dist. Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dipak Kumar Paswan S/O Late Jhabal Paswan Village- Madhopur, Ps. Maner, Dist. Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lal Mani Sharma, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-04-2025 Heard Mr. Lal Mani Sharma, learned counsel for

the appellants, Ms. Usha Kumari-1, learned Special Public

Prosecutor for the State

2. Despite of valid service of notice upon Respondent
No. 2 no one appears on behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
30.09.2023 passed by the learned Exclusive Special Judge
SC/ST Act, Patna ABP No. 6561 of 2023 in connection with



Maner P.S. Case No. 390 of 2023, F.I.R. dated 26.05.2023 registered under Sections 341, 323, 379, 427, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all these appellants over a petty dispute, assaulted the respondent no. 2 and his family members and also abused them by taking their caste name.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. The present case is counter blast of Maner P.S. Case No. 389 of 2023 filed by appellant no. 2 against the informant and others and thereafter the informant had filed a false case against the appellants bearing Maner P.S. Case no. 390 of 2023 under Sections 341, 323, 379, 427, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes Act. From the perusal for the F.I.R., it appears that although the appellants are named in the F.I.R. but there is no specific allegation of any assault or overt act against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants and apart from that with regard to the



abusing the informant by taking caste name, it appears that the same occurrence took place in the shop of the informant which is not a public view so no case is made out under the SC/ST Act against the appellants.

6. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Hence, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Act, Patna in connection with Maner P.S. Case No. 390 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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